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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 09-00720 RMW
)	
Plaintiff,)	STIPULATION AND []
)	ORDER CONTINUING THE STATUS
v.)	CONFERENCE FROM FEBRUARY 22,
)	2011 TO APRIL 18, 2011 AND
SHENG QIANG,)	EXCLUDING TIME FROM FEBRUARY
)	22, 2011 TO APRIL 18, 2011
Defendant.)	

The parties hereby request that the Court enter this order continuing the status conference from February 22, 2011 to April 18, 2011, and excluding time from February 22, 2011 to April 18, 2011. The parties, including the defendant, stipulate as follows:

1. The defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, for the period from February 22, 2011 to April 18, 2011 based upon the need for the defense counsel to investigate further the facts of the present case and determine what, if any, additional motions are appropriate. In addition, the government requires additional time to conduct a handwriting test of defendant. Moreover, this case has been reassigned to new government counsel who needs additional time to become familiar with the facts of the case to discuss it meaningfully with defense counsel. Further, government

counsel will be unavailable the week of February 21, 2011 due to a family medical situation.

Therefore, for effective preparation of defense counsel, the parties agree that the status conference currently scheduled for February 22, 2011 should be continued to April 18, 2011 at 9 a.m.

2. The attorney for defendant joins in the request to exclude time under the Speedy Trial Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is necessary for effective preparation of the defense and continuity of defense counsel; believes the exclusion is in the defendant's best interests; and further agrees that the exclusion under the Speedy Trial Act, 18 U.S.C. § 3161, should be for the period from February 22, 2011 to April 18, 2011.

Given these circumstances, the parties believe, and request that the Court find, that the ends of justice are served by excluding from calculations the period from February 22, 2011 to April 18, 2011 outweigh the best interests of the public and the defendant in a speedy trial under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

IT IS SO STIPULATED.

DATED: 1/31/11

/s/ Paul Meltzer
PAUL MELTZER
Attorney for Defendant

DATED: 1/31/11

/s/ Hanley Chew
HANLEY CHEW
Assistant United States Attorney
Attorney for Plaintiff

[] ORDER

Having considered the stipulation of the parties, the Court finds that: (1) the defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, from February 22, 2011 to April 18, 2011, based on the need for the defense counsel to investigate further the facts of the present case, review the discovery that the government has already provided and will provide and evaluate further possible defenses and motions available to the defendant; (2) the exclusion of time is necessary for effective preparation of the defense and continuity of counsel and is in the defendant's best interests; and

1 (3) the ends of justice are served by excluding from Speedy Trial calculations the period from
2 February 22, 2011 to April 18, 2011.

3 Accordingly, the Court further orders that (1) the status conference currently scheduled
4 for February 22, 2011 is vacated and that the next appearance date before this Court is scheduled
5 for April 18, 2011 at 9:00 a.m.; and (2) the time from February 22, 2011 to April 18, 2011 is
6 excluded from time calculations under the Speedy Trial Act, 18 U.S.C. § 3161.

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8 IT IS SO ORDERED.

9 DATED: _2/16/11 _____
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11 THE HONORABLE RONALD M. WHYTE
12 United States District Court Judge
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